

Dell Creek

WP 272 (3-14-27) Permit to construct
Vol 30 pg 620 WRCR

2 WP-166 (11-2-34) temporary lowering
levels
PSCR Vol 7 pg 668

2 WP-181 (~~off docket~~ ^{off active}) raise & enlarge
& levels

I WP-410 (11-22-40) requesting removal
Flash

2 WP-531 (9-17-41) maintenance of
levels
Vol 29 pg 570 PSCR

2-WP-531A (12-19-75) new levels

FORMAL

DOCUMENTS

2 WP 531

Lo. Delton:

831.84 - normal (spillway crest)
832.67 - max - April - Oct 1 (6" flashboards)
831.67 - Dec 1 → Ice out (min)

DNR OFFICE MEMO
Form 9500-43 4-85

To	Date	Time
From	of	
Phone	Received by	
<input type="checkbox"/> Please Call	<input type="checkbox"/> Returning Your Call	<input type="checkbox"/> Will Call Again
<input type="checkbox"/> Called to See You		

- ☐ Comment
- ☐ For Your Information *See 2-WP-531-A*
- ☐ See Me
- ☐ Take Action *Water levels*
- ☐ Approve
- ☐ Sign
- ☐ Revise *3-50-81-804*
- ☐ Prepare Reply For My Signature *3-50-82 805*
- ☐ Reply Direct
- ☐ Per Your Request *~~3-50-85~~*
- ☐ Code
- ☐ Route to:
- ☐ Return
- ☐ File

[W. P.—272]

IN RE APPLICATION OF WILLIAM J. NEWMAN FOR AUTHORITY TO CONSTRUCT A DAM AT THE MOUTH OF DELL CREEK, SAUK COUNTY, TO CREATE AN ARTIFICIAL LAKE

Submitted October 14, 1926. Decided March 14, 1927

APPLICATION for authority to construct a dam near the mouth of Dell Creek, Sauk county, thereby creating an artificial lake for recreational purposes, *granted*; the Commission finding that the proposed dam will not materially obstruct existing navigation or violate other public rights, and will not endanger life, health, or property.

On September 4, 1926, William J. Newman filed with the Railroad Commission an application requesting authority to construct a dam near the mouth of Dell creek, a navigable stream in Sauk county, on the land described as follows:

A strip of land one hundred (100) feet wide, to be used as a site for a dam, to be constructed across Dell Creek, the easterly and westerly boundaries thereof shall be parallel to and fifty (50) feet from the axis of said dam which said axis is described as follows: Beginning at a point on the South line of the Northeast Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Fifteen (15), Township Thirteen (13) North, of Range Six (6) East, in Sauk County, Wisconsin, which point is 203.2 feet West of the Southeast corner of said Northeast Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$); thence North ten (10) degrees and 47 minutes East, 675 feet, to a point marking the end of the axis of said dam, also a strip of land to be used as a site for a Levee, said strip of land being one hundred (100) feet wide, the boundaries thereof being parallel to and fifty (50) feet from the center line of said Levee which center line is described as follows: Beginning at a point which point is North 56 degrees and 10' West 469.4 feet from the point hereinbefore referred to as the point marking the end of the axis of said dam; thence North 41 degrees and 30' 300 feet; thence North 5 degrees and 52' East, 300 feet; thence North 29 degrees and 37' West, 50 feet; thence North 55 degrees and 3' West, 50 feet; thence North 89 degrees West 50 feet; thence South 81 degrees West, 100 feet to a point marking the end of the center line of said Levee, containing on both descriptions 2.38 acres.

Notice of hearing was duly issued and said notice duly published and personal service thereof made as by Section 31.06, Wisconsin Statutes, required, and satisfactory proof of such publication and personal service filed with the Commission.

Pursuant to said notice, a hearing was held at Madison on October 14, 1926. *James H. Hill* appeared for the petitioner, *William J. Newman*, who also appeared in person.

The testimony shows that the applicant proposes to construct a dam as indicated in the application, for the purpose of creating an

artificial lake of some 264 acres for recreational purposes. It is not proposed to develop power for industrial or public-utility uses. The petitioner proposed to clear the land which will be submerged and excavate shallow portions so as to make the lake so created safe and suitable for recreational purposes. The petitioner is the owner of, or has obtained flowage rights on, all lands which will be affected by the construction and maintenance of the proposed dam. He also has acquired the so-called Sarrington milldam, which will be affected. The proposed dam will be at the approximate level of the existing Sarrington milldam, which is at an elevation of 100 feet, Marshall's datum, which, according to the testimony of the applicant's engineer, is, at elevation 831.84, sea level datum. The Commission has caused a bench mark to be established, marked "Railroad Commission 315A" at an elevation of 837.85 when referred to sea-level datum. This bench mark is described as follows:

Bench mark 315A is a bronze tablet marked "Railroad Commission of Wisconsin" set in a sandstone ledge 61 feet southwest of southwest corner of Sarrington mill, 111.7 feet northwest of west end of north railing of concrete bridge across headrace 80 feet above mill, and 2 feet north of garage. The bench mark has an assumed elevation of 100 feet which is equal to sea level datum 837.85 feet as established by the applicant's engineer.

The testimony indicates that the dam will maintain a head of about 18 feet and be capable of developing approximately 50 horsepower for over fifty per cent of the year.

There is a town highway which crosses the western end of what will be the lake area, and it was stated at the hearing that the town board intends to abandon this highway. No other highway will be affected by the proposed dam. Plans for the proposed dam have been submitted and approved by the Commission.

The application contains the several proposals required by Section 31.09 of the Wisconsin Statutes, and pursuant to subsection 1 of said section, the Commission has valued the dam site and all flowage rights and other property necessary for the purposes set forth in the application and hereby finds that the value of said dam site and all flowage rights and other property necessary for the purposes set forth in the application is the sum of One Thousand Five Hundred Dollars (\$1,500).

The Commission further finds that the construction, operation and maintenance of the proposed dam will not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property. Therefore, by virtue of Section 31.06 of the Wisconsin Statutes, a permit is granted to the applicant to construct said dam as proposed, with an elevation of 831.84 when referred to sea-level datum as recorded by Railroad Commission bench mark 315A described above.

NOW, THEREFORE, THERE DOES HEREBY ISSUE AND IS GRANTED to the applicant, Milwaukee County, a municipal corporation, the permit provided for by subsection (3) of Section 31.06, Statutes, to build and operate said dam as proposed and as hereinbefore described, and in accordance with plans to be approved by the Commission.

[2-WP-166]

IN THE MATTER OF THE APPLICATION OF THE TOWN OF DELTON, SAUK COUNTY, FOR PERMISSION TO LOWER THE WATER SURFACE IN LAKE DELTON FOR THE PURPOSE OF REBUILDING A BRIDGE ACROSS DELL CREEK ON ADAMS STREET IN THE UNINCORPORATED VILLAGE OF DELTON

Decided November 2, 1934

APPLICATION for rehearing *denied*, and permission to lower the water level of Lake Delton for the purpose of repairing a bridge across Dell Creek at Adams Street, village of Delton, as originally authorized, in all respects *confirmed*.

The motion for a rehearing in the above-entitled matter came on to be heard on the 26th day of October, 1934, at the office of the Commission in the city of Madison. The appearances were:

Town of Delton, by *Hill, Miller & Hill*, attorneys, by *Mr. James H. Hill*.

Timme Brothers, by *Grotophorst, Quale & Langer*, attorneys, by *Mr. Norman Quale*.

From the evidence and files of the Commission, the Commission makes the following findings of fact:

That on the 11th day of October, 1934, the Commission authorized the town of Delton to lower the water surface of Lake Delton six feet below the normal elevation during the period of time necessary to make repairs to the bridge abutment hereinafter referred to. Normal elevation was fixed by the Commission in WP-272 (30 W.R.C. 620), at 831.84 feet sea-level datum, when referred to Railroad Commission Bench Mark 315A, described as follows:

Bench Mark 315A is a bronze tablet, marked "Railroad Commission of Wisconsin," set in a sandstone ledge 61 feet southwest of southwest corner of Sarrington mill, 111.7 feet north-west of west end of north railing of concrete bridge across headrace 80 feet above mill, and 2 feet north of garage. The bench mark has an assumed elevation of 100 feet, which is equal to sea-level datum, 837.85 feet, as established by the applicant's engineer.

That the owner of the dam, Mr. Wm. J. Newman, has expressed his willingness to lower the level of the lake to any elevation that may be authorized by the Commission; that the reason why the town of Delton desires to lower the pond is in order to enable it more cheaply to repair the abutment of a bridge, across Dell Creek in Adams Street in the unincorporated village of Delton, which has failed and become out of repair; that it was estimated by the witnesses of the town of Delton that a saving of from \$1,500 to \$2,000 will be effected in the repair work of the bridge abutment if the town is permitted to lower the pond level 6 feet below normal elevation; that Timme Brothers, a corporation which owns a power dam across Dell Creek about three-quarters of a mile upstream from the bridge in question, objects to the lowering of the pond for the reason that lowering the pond 10 to 12 inches below the maximum elevation will expose the draft tubes leading from the water wheels and practically destroy the power of the wheels; that the cost of the construction of a weir dam below the draft tubes is estimated to be from \$50 for a temporary dam of sand bags to about \$200 for a concrete structure; that a weir dam would enable the corporation to obtain the full power from its water wheels regardless of how much the pond is lowered below normal elevation. The conclusion of the Commission is that the question as to whether the corporation is entitled to recover any damages it may suffer by the lowering of the pond by the town of Delton is a matter for the courts to determine. The Commission has no jurisdiction to determine whether such damages are recoverable or the amount of damages the corporation will suffer by the lowering of the pond.

The fact is that the town of Delton will effect large savings by the lowering of the pond.

IT IS THEREFORE ORDERED, That the application for a rehearing herein be and the same is hereby denied, and the permission to lower the pond as heretofore authorized is in all respects confirmed.

[IT-128]

IN THE MATTER OF THE APPLICATION OF INTERSTATE MOTOR FREIGHT SYSTEM, A MICHIGAN CORPORATION, FOR A CERTIFICATE TO OPERATE AS A COMMON MOTOR CARRIER OF PROPERTY IN INTERSTATE COMMERCE

Decided November 5, 1934

APPLICATION of Interstate Motor Freight System for authority to operate as an interstate common motor carrier of property, proposing closed-door operation between the Minnesota State Line and the Illinois State Line via Wisconsin highways specified, *granted*.

Newman, W. J.

2-WP-181

In the matter of the application of W. J. Newman to raise & enlarge an existing dam known as Dell Creek Dam in Dell Creek stream near Lake Dillon, Wyo. & to fix the maximum & minimum levels of water.

DATE
1934

ENTRIES

Dec. 18

Application filed.

" 21
1935

Order for publication issued & Notice of hearing set for Jan. 17, 1935 - 10 AM - Hadies

Jan. 17

No appearances.

" 18

Case closed.

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of the Water Level)
of Lake Delton, Sauk County,)
Wisconsin

2-WP-531

OPINION AND ORDER

This proceeding was instituted on motion of the Commission for the purpose of settling the differences which had arisen between Timme Brothers, Inc., owners of the Delton Dam, and the Lake Delton Development Association, owner, and the Conservation Commission, lessee, of the Dell Creek Dam, over the alleged improper operations of their respective dams, and to receive evidence concerning alleged damaging low water stages in Lake Delton in the summer of 1941, concerning which a complaint had been presented to the Commission signed by Dr. Louis Fauerbach and seven other riparian proprietors on Lake Delton.

Hearing: August 14, 1941 at the town hall, town of Delton, before Examiner Adolph Kanneberg.

Appearances:

Timme Brothers, Inc. by
Walter T. Jenks, attorney
Baraboo

Conservation Commission by
Colonel A. H. Smith
B. O. Webster, superintendent of fisheries
R. A. Gray, superintendent of commercial fishing

Town of Delton by
James H. Hill, attorney
Baraboo

Ernest Cole, clerk
Lake Delton

Lake Delton Development Association by
James H. Hill, attorney
Baraboo

Interested Property Owners:

L. Fauerbach
Madison

Miss Isabell Drumb
Wisconsin Dells

Mrs. E. J. Sorensen
Madison

John C. Meyer
Lake Delton

Erwin Wheeler
Lake Delton

E. C. Gorman
Lake Delton

Mrs. Millie Turner
Lake Delton

Ralph Sarrington
Lake Delton

P. B. Maukstad
Madison

Opinion

The Delton Dam and the Dell Creek Dam are located in Dell Creek, the former being upstream from and directly above the backwater of the Dell Creek Dam. The Delton Dam has been in existence since about 1857 and controls the waters of Mirror Lake. The dam is used to develop power for flour mill purposes. Mirror Lake is resorted to for recreation. Summer homes are constructed along its shore.

The Dell Creek Dam was authorized by the Commission on March 3, 1927. (Docket WP-272) The dam created and maintains an artificial lake for recreation, summer resort, and summer home purposes. The artificial lake is known as Lake Delton.

The authorized maximum height of the Delton dam is at elevation 91.60 feet, and the minimum elevation to which the water may be drawn in the lake is 91.20 feet ^{except} during the repairing of the dam. (25 WRGR 548)

It appears that Timme Brothers, Inc., in 1941 and previously, maintained flashboards on the crest of their dam, the top of which exceeded the authorized elevation of the dam.

The authorized elevation of the crest of the Dell Creek Dam is at 831.84 feet, sea level datum, when referred to Commission bench mark 315E, a bronze tablet located on the left spillway abutment of the dam, elevation 836.23 feet, Commission datum. The Lake Delton Development Association for several years maintained flashboards on the crest of the Dell Creek Dam which caused the water level of Lake Delton to rise above its authorized level from 4 to 6 inches.

The Conservation Commission in 1940 established carp ponds in the area below the Dell Creek Dam and northerly of Lake Delton. Water to supply the carp ponds is released from Lake Delton through a controllable spillway. During the summer of 1941 the Conservation Commission lowered Lake Delton approximately $2\frac{1}{2}$ inches or more below the crest of the spillway in an effort to supply the carp in the ponds with a sufficient supply of fresh water. This low stage of water in Lake Delton unsealed the draft tube of the Timme Brothers, Inc. water wheels and caused riparian proprietors and others to complain of such a low stage of water.

It also appears that Timme Brothers, Inc., in the summer of 1941, in order to facilitate repairs to their dam, lowered Mirror Lake about 2 feet below its normal elevation and thereafter for a time withheld the normal flow without having permission to do so from the Commission. This fact gave rise to a disagreement of whether the low stage of water in Lake Delton in the summer of 1941 was caused by Timme Brothers, Inc. or by the Conservation Commission.

The foregoing is briefly the history which brought about the hearing in this case.

Before the hearing was called to order, the examiner

suggested that the parties discuss their problems informally. It was pointed out that it may be desirable from the standpoint of the parties as well as from the public standpoint that Mirror Lake be held at a slightly higher elevation than that authorized, and that the same may be true with respect to the water level of Lake Delton. This would give the riparians on Mirror Lake and Lake Delton the higher level they apparently desire and also give the Conservation Commission a little water to draw from, and probably give Timme Brothers, Inc. somewhat more power. It was suggested that if the owners and operators of the two dams would agree to try out such a plan and if no objections thereto were raised by riparians or by the public, such an operation might be carried out in an experimental way with the view of ultimately making such operation permanent by order, if it proved to be in the interest of all persons concerned and in the interest of the State. After a full discussion, Timme Brothers, Inc., the Lake Delton Development Association, and the Conservation Commission entered into the following stipulation:

"We stipulate that the owner of the Lake Delton Dam (outlet of Lake Delton, commonly known as Dell Creek Dam) may maintain six-inch flashboards on the crest of the spillway from April 1 to October 1 of each year, and that the Conservation Commission may draw from Lake Delton sufficient water for their carp ponds, but the water is at no time to be drawn below one inch below the crest of the present spillway. It is understood that when the water in Lake Delton rises to an elevation of eight inches above the crest of the spillway that the flashboards be entirely removed, and that as soon as the water has dropped to within four inches of the crest of the spillway that the flashboards may be replaced, or at the option of the owner of the dam, if the water may be maintained at elevation of eight inches above the crest of the spillway by the operation of the gates, then the flashboards need not be removed.

"This arrangement shall be experimental and to continue until Timme Brothers move the Commission for a modification of the same, in which event the Commission shall set the matter for hearing on the usual 20-day notice, and the rights of Timme Brothers shall not be prejudiced by this agreement as to the height of the flashboards."

At the conclusion of the informal conference, the examiner proceeded with the hearing. The stipulation was read and discussed. The persons present at the hearing expressed approval of the proposed experimental operation of the dams according to the terms of the stipulation.

Order

IT IS ORDERED:

1. That Timme Brothers, Inc., the Lake Delton Development Association, and the Conservation Commission operate their respective dams for an experimental purpose in accordance with the above stipulation until the further order of the Commission.
2. That no rights of the riparian proprietors, and that no rights of the public in navigable water shall be prejudiced by reason of the experimental operation, pursuant to said stipulation, and that in case of a rehearing in this matter the rights of each one of them shall be considered on the original basis.
3. That neither Timme Brothers, Inc., nor the Lake Delton Development Association, nor the Conservation Commission may draw their respective ponds below normal for the purpose of making repairs or for any other purpose, without first obtaining permission to do so from the Commission.
4. That Timme Brothers, Inc. may, during the experimental period, maintain flashboards on the crest of the Lake Delton Dam and thereby raise the elevation of Mirror Lake not to exceed .83 foot, with the understanding and agreement that the raising of Mirror Lake above the authorized elevation shall be permissive and not adverse.
5. That anyone feeling himself aggrieved by the

experimental operation may petition the Commission for relief.

Dated at Madison, Wisconsin, this 17th day of
September 1941.

PUBLIC SERVICE COMMISSION OF WISCONSIN

R. H. Gilson Chairman

Commissioner

W. F. Whitman
Commissioner

12/19/75

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

Application of Duck Trails, Inc.)
(at the Request of the Village of)
Lake Delton) to Establish Operating) 2-WP-531-A
Levels for Lake Delton, Town of)
Delton, Sauk County)

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Duck Trails, Inc., of Lake Delton, Wisconsin, (at the request of the Village of Lake Delton) on September 24, 1975 filed a petition under Section 31.02, Wisconsin Statutes, for the establishment of operating levels to be maintained on Lake Delton, Town of Delton, Sauk County, to allow lowering of water levels below the established normal level annually during winter periods.

Hearing was held December 1, 1975 at Lake Delton, Edmund M. Brick, Chief, Water Regulations Section, Presiding.

APPEARANCES:

IN SUPPORT:

Wisconsin Ducks, Inc., by

John Anchor
Wisconsin Dells

Matthew F. Bubon
Wisconsin Dells

Frank Fischer, Village President
Lake Delton

Kay C. Mackesey, Village Clerk
Lake Delton

William Brew, Supervisor, Town of Delton
Delton

David Dorner, Supervisor, Town of Delton
Delton

3. On September 17, 1941 the Public Service Commission of Wisconsin authorized a maximum level of elevation 832.67 feet, mean sea level datum.

4. On January 31, 1961 ownership of the Lake Delton Dam was transferred to Duck Trails, Inc.

5. On November 26, 1974 the Department of Natural Resources authorized a temporary winter drawdown of 1 foot for the period December 1, 1974 to April 15, 1975 for the purpose of reducing shore damage associated with winter ice-push.

6. Winter ice-push in the past has damaged the Lake Delton shoreline and has damaged manholes associated with a sanitary sewer line which is located along the Lake Delton shoreline.

7. The drawdown will not pose a threat to the dam but will increase difficulty in operation because of need to operate a sluice gate in the dam to maintain the drawdown level of elevation 831.67 feet, mean sea level datum.

8. The annual winter drawdown of Lake Delton to elevation 831.67 feet, mean sea level datum, for the period December 1 to ice out would not damage fishery values in Lake Delton, will promote safety, and will protect life, health and property.

CONCLUSION OF LAW

The Department has authority under Section 31.02, Wisconsin Statutes, and in accordance with the foregoing findings of fact to issue an order establishing a winter drawdown level on Lake Delton held by the Lake Delton dam.

LEAVE BLANK - DEPARTMENT USE ONLY

850.81-804

ORDER APPROVING OR DENYING REQUEST

The Department has reviewed the drawdown requested pursuant to Section 31.02, Wisconsin Statutes. The Department has made an environmental assessment of the proposal and has concluded that the grant or denial of the authority requested would not be a major state action significantly affecting the quality of the human environment.

Your request for a temporary drawdown of Lake Delton

at the Delton Dam to hereby:

- ☐ 1. Approved as applied for.
- ☒ 2. Approved subject to the following conditions:

- a) A minimum of 7.5 cubic feet per second shall be passed through the dam at all times during refilling of the reservoir.
- b) The Village of Lake Delton shall inform the public through the news media of the purpose and duration of the drawdown.
- c) The Village of Lake Delton shall be responsible for restocking fish in the lake that are lost as a result of the drawdown. Restocking shall be prescribed by Department of Natural Resources Fish Management personnel.
- d) The Village of Lake Delton shall notify Doug Risch, DNR, Dodgeville Area Headquarters, Route 1, Box 10, Hwy. 23, Dodgeville, WI 53533 five (5) days prior to commencement of drawdown and again five (5) days prior to refill of the lake.

cc: Robert Roden, WRZ/5
Claire Enerson, Dodgeville
Hal Meier, Southern District
Dennis Jameson, Baraboo
Duck Trails, Inc.
Village of Lake Delton
General Engineering, P.O. Box 340
Portage, WI 53901

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By  District Director

Southern
District

Feb. 11, 1982
Date

The Department has reviewed the drawdown requested pursuant to Section 31.02, Wisconsin Statutes. The Department has made an environmental assessment of the proposal and has concluded that the grant or denial of the authority requested would not be a major state action significantly affecting the quality of the human environment.

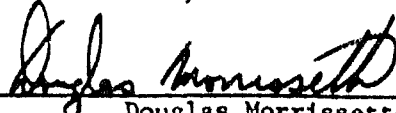
Your request for a temporary drawdown of Lake Delton at the Lake Delton Dam, Sauk County, is hereby approved subject to the following conditions:

1. Beginning date October 25, 1982, ending date November 12, 1982.
2. Lake level may not be lowered below elevation 822.7, M.S.L.
3. Rate of drawdown shall be 0.5 ft/day.
4. A minimum of 7.5 cfs of flow shall be passed through the dam at all times during refilling of the reservoir.
5. Wisconsin Ducks, Inc. shall inform the public through the news media of the purpose and duration of the proposed 10 foot drawdown.
6. Wisconsin Ducks, Inc. shall notify Doug Risch, DNR, Dodgeville Area Headquarters, Route 1, Box 10, Hwy. 23N, Dodgeville, WI 53533, five (5) days prior to commencement of the drawdown and five (5) days prior to restoring the lake to the 8 foot drawdown level.
7. Wisconsin Ducks, Inc. shall assume liability for any fish mortality that might occur during the 10 foot drawdown.
8. Fish screen must be in place on the outlet of the dam during the entire drawdown period.

Any person aggrieved by this decision may seek judicial review by serving and filing a petition in accordance with the provisions of sections 227.15 and 227.16, Stats., within thirty (30) days after service of this decision.

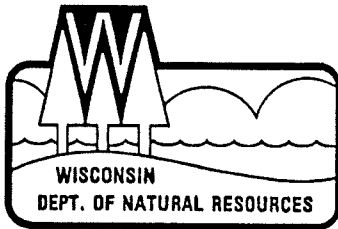
Any petition for judicial review of this decision shall name the Department of Natural Resources as the respondent. This notice is provided pursuant to section 227.11(2), Stats.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By 
Douglas Morrisette
Southern District Director

Date Sept. 30, 1982

cc: Robert Roden, WR2/5
Claire Enerson, Dodgeville
Harold Meier, SD
Dennis Jameson, Baraboo
Village of Lake Delton
Town of Delton



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southern District Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711
TELEPHONE 608-275-3266
TELEFAX 608-275-3338

July 7, 1994

IN REPLY REFER TO: 3-SD-94-4052
FF#56.20

Mr. John R. Pike
Dells Boat Co., Inc
P.O. Box 147
Wisconsin Dells, WI 53965

SUBJECT: Approval for Transfer of the Dells Creek Dam Ownership

Dear Mr. Pike:

The Department has reviewed the application and supporting documents and is issuing this final decision regarding the transfer of ownership of a parcel of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Fractional Governmental Lot 3, all in Section 15, T13N, R6E, in the Village of Lake Delton, Sauk County. The Dell Creek Dam, located on Dell Creek, is also located on the parcel and is hereby being approved for ownership transfer.

FINDINGS OF FACT

1. An application was filed with the Department on April 25, 1994, for approval under section 710.11, 31.185 and 31.14(2) and (4), Wisconsin Statutes, to transfer ownership of a parcel of land in Sauk County. The application proposed transfer of ownership from the Dells Boat Co., Inc., 11 Broadway, Wisconsin Dells, WI 53965 to the Village of Lake Delton, PO Box 87, Wisconsin Dells, WI 53940.
2. Dell Creek is a navigable stream at the Dell Creek Dam site.
3. On March 14, 1927 the Railroad Commission of Wisconsin granted a permit to operate and maintain the dam. The dam maintains a head of approximately 24 feet and has a maximum storage of approximately 2500 acre feet. The maximum allowable water level is established by order (#2-WP-531) at 832.67, mean sea level. A winter drawdown level of Lake Delton is established at an elevation of 831.67 feet, (#2-WP-531-A) mean sea level from December 1 to ice out at the end of each winter.
4. The Dells Creek Dam was inspected by the Department of Natural Resources on May 18, 1993 and a report was sent to Dells Boat Company on June 14, 1993. The Department completed a follow-up inspection on May 5, 1994 noting that most of the trees had been removed from the left embankment, repairs to the downstream right embankment had been completed and fencing was being erected adjacent to the concrete spillway.



5. A public notice of the proposed transfer was published in 'The Baraboo News Republic' on June 1, 1994. No comments were received as a result of the notice.
6. The Village of Lake Delton, a municipality with taxation authority, has financial capability and responsibility to repair and maintain the dam pursuant to Section 31.14(2), Wisconsin Statutes.

CONCLUSIONS OF LAW

The Department has the authority under sections 710.11, 31.185 and 31.14 (2) and (4), Wisconsin Statutes, to issue approval for transferring ownership of the parcel of land and the dam located thereon.

APPROVAL

The transfer of ownership is hereby approved, subject to the following conditions, for a parcel of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the Fractional Governmental Lot 3, all in Section 15, T13N, R6E, in the Village of Lake Delton, Sauk County and the dam on Dell Creek located on the parcel. The proposed ownership transfer is from Dells Boat Co., Inc., to the Village of Lake Delton. The approval conditions are:

1. A copy of the signed warranty deed recorded with the Register of Deeds, Sauk County, including the volume and page it is registered on, shall be sent to the Department, at the above address within 15 days of recording.
2. The Village of Lake Delton shall submit an Inspection, Operation and Maintenance Plan for the Dells Creek Dam, specific to the Village staff and operations, by February 1, 1995.
3. The Lake Delton Dam shall be operated in accordance with the water levels established by Order number #2-WP-531-A by the Department of Resources.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

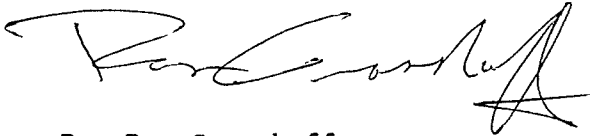
To request a contested case hearing pursuant to Section 227.42, Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

John R. Pike - July 1, 1994

3.

This notice is provided pursuant to Section 227.48(2), Wisconsin Statutes.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary



By Ron Grasshoff
Water Management Specialist

Date Mailed 7/8/94.

cc: Ken Johnson/Dick Knitter - WZ/6
Mike Nice - WI Dells
Dennis Jameson - Devils Lake
Kay Mackesey, Clerk/Treasurer, Village of Lake Delton, 50 WI Dells
Parkway South, Lake Delton, WI 53940